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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,178	10/23/2001	Clifton Lind	108-988	6355
35236	7590	12/18/2003	EXAMINER	
SHAFFER & CULBERTSON, L.L.P. 1114 LOST CREEK BLVD. SUITE 420 AUSTIN, TX 78746			CAPRON, AARON J	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 12/18/2003				

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/037,178	LIND ET AL.
	Examiner Aaron J. Capron	Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 December 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-14,16-22,24-29 and 38-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1, 3-14, 16-22, 24-29 and 38-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)                  4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                  5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                  6) Other: \_\_\_\_\_

**DETAILED ACTION**

The final rejection mailed September 2, 2003 is hereby withdrawn in favor of the following non-final action. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. The extended prosecution of this application is respectfully regretted.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-14, 16-22, 24-29 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier (U.S. Patent No. 5,871,398) in view of Novak (U.S. Patent No. 5,239,165).

Referring to claims 1 and 3, Schneier discloses a gaming method including the steps of creating a player account for a player, the player having an account balance (11:23-32); receiving a game ticket request from a player, the game ticket request identifying a play quantity, the play quantity comprising a value representing a quantity of game play outcomes to be obtained (9:50-57); determining if the account balance for the player account is sufficient for the play quantity (5:11-14); and in the event that the account balance for the player account is sufficient for the play quantity, each ticket indicia corresponding to a particular one of the game records, and representing the respective game play outcome associated with the particular one of the game

records (the ticket being the AGAM: 9:57-10:4). Schneier discloses the game play information being in machine readable form and specifying each game play outcome represented on the game ticket (13:61-14:8 and 1:42-2:7), but does not apply a number of ticket indicia to a ticket substrate to produce a game ticket, each ticket indicia being directly identifiable. However, Novak discloses a printer applying a number of ticket indicia to a ticket substrate to produce a lottery ticket (9:34-41 and Figures 10-12). One would be motivated to provide ticket-printing capabilities to Schneier in order to satisfy the needs of players that would prefer to play a real ticket game instead of a virtual ticket game. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the ticket printer of Novak into the lottery system of Schneier in order to satisfy the needs of players that would prefer to play a real ticket game instead of a virtual ticket game.

Referring to claim 4, Schneier discloses the step of applying the game play information includes applying a first value representing a sequential value correlated to a first game play outcome represented on the game ticket (Figure 10); and applying a second value representing the play quantity (17:53-67).

Referring to claim 5, Schneier discloses the step of applying the game play information includes applying a ticket identifier to the game ticket (14:1-3) and further including the step of recording in a data storage device separate from the game ticket a set of ticket data correlated to the ticket identifier, the set of ticket data identifying each game play outcome represented on the game ticket (Figure 3).

Referring to claim 6, Schneier discloses the steps of distributing the game ticket to the player; reading the game play information from the game ticket at a player terminal (Figure 1);

and for at least one game play outcome represented on the game ticket, displaying a graphic game representation indicating the respective game play outcome represented on the game ticket, each respective graphic game representation being displayed in response to a respective player input made after the step of reading the game play information at the player terminal (5:56-6:19).

Referring to claim 7, Schneier discloses the step of displaying the graphic game representation comprises displaying a representation related to a casino type game (5:56-6:19: bingo or poker).

Referring to claim 8, Schneier discloses the steps of deducting a cost associated with each respective game play outcome represented on the game ticket substantially concurrently with the step of applying the ticket indicia to the ticket substrate and adding a payoff amount associated with at least one game play outcome in response to a ticket redemption request initiated by the player (11:23-32 and 20:10-52)

Referring to claim 9, Schneier discloses that each ticket indicia includes an outcome code selected from a set of available codes for a game being played (10:33-58).

Referring to claim 10, Schneier discloses the step of displaying a prize table in which each outcome code in the set of available outcome codes is associated with a prize level in the game (5:56-6:5 and 1:42-2:9). In the alternative, should Schneier be interpreted as not disclosing this step, the Examiner takes Official Notice that a prize table for a casino type lottery game or a pulltab type game is well known within the art. One would be motivated to provide a prize table into the invention of Schneier and Novak in order for the player to determine their own winnings. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a prize table into the lottery game of Schneier and

Novak, in light of the Official Notice taken, in order to allow a player to determine their own winnings.

Referring to claim 11, Schneier discloses the steps of distributing the game ticket to the player; reading the game play information from the game ticket at a point of sale terminal after the game ticket is distributed to the player; and providing the player with a result of the game ticket after reading the game play information (Figure 8).

Referring to claim 12, Schneier discloses the step of applying a cover material to the ticket substrate, the cover material obscuring each ticket indicia applied to the ticket substrate (5:56-6:5 and 2:10-29). In the alternative, should Schneier be interpreted as not disclosing this step, the Examiner takes Official Notice that a cover material covering the ticket indicia and substrate is well known within the art. One would be motivated to provide a cover material to cover the ticket indicia in order to create excitement for the player due to the anticipation of a possible winning outcome. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a cover material to the lottery game of Schneier and Novak, in light of the Official Notice taken, in order to create excitement for the player due to the anticipation of a possible winning outcome.

Referring to claim 13, Schneier discloses the step of applying each ticket indicia to the ticket substrate through a cover material that obscures each respective ticket indicia (5:56-6:5 and 2:10-29).

Claims 14 and 16-21 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 22 and 24-29 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above.

Claims 38-42 correspond in scope to a medium set forth for use of the method listed in claims listed above and are encompassed by use as set forth in the rejection above. Schneier discloses that the player terminal can be physically connected for communication with the ticket data storage device by being able to be connected to the AT (Figure 1, items 26 and 92, 11:57-12:7) or by directly connecting the CMT (Figure 12). Schneier further discloses the ticket usage information to the CMC in order to keep a player's account accurate by determining whether a ticket on an HTV has been played and was a winner (11:23-32).

#### *Response to Arguments*

Applicant's arguments with respect to claims 1-29 and 38-42 have been considered but are moot in view of the new ground(s) of rejection.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron J. Capron whose telephone number is (703) 305-3520. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ajc



S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700